

REMARKS

Applicant thanks the Patent Office for the careful attention accorded this Application and respectfully request reconsideration in view of the Amendment above and remarks set forth below.

In response to the Office Action mailed September 19, 2008, Applicant has canceled Claims 109-129 without prejudice or disclaimer, and added a new set of rewritten claims 130-145 for continued prosecution on the merits. Applicant reserves the right to file one or more continuation applications based on the canceled claims.

Applicant submits herewith a Supplemental Information Disclosure Statement (SIDS) in the present application helping to accurately reconstruct the state of knowledge in the art at the time the present invention was made.

Applicant has also previously submitted a Terminal Disclaimer to overcome any double-patenting rejections under the judicially-created doctrine of double patenting.

The Web-based brand image communication network defined by the rewritten claims is disclosed in great detail in Figs. 9A, 10A1-10, 11 and 13, and in corresponding portions of the present Specification.

None of the prior art references of record (as well as in Applicant's IDS), disclose, teach or even hint at the Web-based consumer product marketing communication network as defined by the rewritten claims 130-145 server-side driven Multi-Mode Virtual Kiosks (MMVKs) having programmable display modes.

As rewritten, Claim 130 is directed to a novel Web-based consumer product marketing communication network for managing and delivering consumer market marketing communications to consumers along E-Commerce (EC) enabled Web sites on the World Wide Web (WWW), including EC-enabled stores and EC-enabled online product catalogs, --- using

Web-based server-side driven, Multi-Mode Virtual Kiosks (MMVKs) that can be generated by the product management team for each consumer product registered on the network.

Claims 131-145 are directed to subordinate features of the Web-based consumer product marketing communication network of the present invention.

Clear detailed support for the claimed invention can be found in Figs. 2C2, 2C3, 4E1-4F2, 9A, 10A1-10A2, 11, 13, 15A-15MM, 16-21C, 41, 42A-42C and 43, and at corresponding portions of the present Specification.

As recited in independent Claim 130, the Web-based consumer product marketing communication network includes a first Web-based subsystem, operably connected to the infrastructure of the Internet, for allowing product management team members, associated with a particular consumer product or group of consumer products, and/or authorized parties, to create and deploy a plurality of Web-based Multi-Mode Virtual Kiosks (MMVKs) for a plurality of consumer products registered with said Web-based consumer product marketing communication network.

As recited in independent Claim 130, each MMVK has a graphical user interface (GUI) that is characterized by a plurality of programmable display modes for displaying a plurality of consumer product information (CPI) resources to the Web browser of the consumer.

As recited in independent Claim 130, the Web-based consumer product marketing communication network includes a first Internet-enabled information server operably connected to the infrastructure of the Internet, for generating and serving each MMVK to a Web browser of a consumer.

As recited in independent Claim 130, the Web-based consumer product marketing communication network includes a plurality of Web-based information servers, operably connected to the infrastructure of the Internet, for storing and serving the plurality of CPI

resources to the Web browser of the consumer, for display through the plurality of programmable display modes of each MMVK.

As recited in independent Claim 130, the Web-based consumer product marketing communication network includes a UPN/URL database server, in communication with the first Internet-enabled information server, for storing and managing a UPN/URL link structure for each consumer product registered with said Web-based consumer product marketing communication network.

As recited in independent Claim 130, the Web-based consumer product marketing communication network includes each UPN/URL link structure includes

- (i) a Unique Product Number (UPN) assigned to the consumer product, and
- (ii) a set of URLs specifying the location of the plurality of the CPI resources located on the WWW, for programming the plurality of programmable display modes of the MMVK created and deployed for the consumer product identified by the UPN.

As recited in independent Claim 130, the Web-based consumer product marketing communication network includes a second Web-based subsystem configured to allow product management team members to manage the CPI link structures for the plurality of consumer products, and program a set of the CPI resources to be displayable during the display modes of each installed MMVK.

As recited in independent Claim 130, the Web-based consumer product marketing communication network includes each MMVK comprises (a) a computer-executable server-side component stored on the first Internet-enabled information server, and (b) a MMVK tag embedded within any of said HTML-encoded pages, embodying a unique URL, and referencing the computer-executable server-side component.

As recited in independent Claim 130, the Web-based consumer product marketing communication network includes the computer-executable server-side component includes code specifying:

(i) a connection to the UPN/URL database server, and
(ii) a CPI query to be executed on the UPN/URL database server, and dependent on the UPN assigned to the consumer product.

As recited in independent Claim 130, the Web-based consumer product marketing communication network further includes the Web-browser of the consumer processing the MMVK tag embedded within an HTML-encoded page, and the first Internet-enabled information server automatically executing the computer-executable server-side component corresponding to the MMVK tag and generating and serving the corresponding MMVK to the Web browser, for display and review by the consumer at the EC-enabled Web site.

This novel system architecture of the Web-based consumer product marketing communication network of the present invention has a number of important benefits and advantages.

When installed at online (and/or physical) points of sale (POS), consumer product manufacturers using the claimed Web-based consumer product marketing communication network can deliver brand experiences that excite consumers with rich media advertising and promotions, and also provide critical decision support services--- where they are needed most (i.e. at the POS)--- while the manufacturer and its brand management team members help retail trading partners to deliver valuable services to consumers, build their retail brands, and help them drive sales.

In particular, any branded consumer product manufacturer (and its retail trading partners) can now quickly create, deploy and manage Web-based MMVKs for each and every product in the its supply-chain management system, and simply install and manage these MMVKs across all of its Web-based marketing and merchandising channels, at EC-enabled WWW-sites along the WWW including EC-enabled stores and EC-enabled online product catalogs.

As each Web-based MMVK is a server-side driven, GUI-based marketing communication subsystem, tuned to a particular consumer product, accessible to consumers at

points of presence along the fabric of the EC-enabled WWW-sites, and having a plurality of programmable display modes, product managers have the capacity to compose and program the kinds of brand experiences which they intend or wish consumers to have when they encounter their brand of products being offered for sale or otherwise marketed at EC-enabled WWW sites associated with network of the present invention.

Once a plurality of MMVKs have been installed at multiple EC-enabled WWW-Sites within the Web-based network of the claimed invention, the product management team members associated with the MMVKs can deliver high-impact brand experiences, self-service and value to consumers (e.g. via short rich media ads and promos and product demos and related brand information), providing the manufacturer with a voice at the online point of sale, while helping retailers build their brand, deliver service, satisfy consumers, and drive sales.

A manufacturer's entire consumer product catalog (managed by the UPNs assigned to such products) can be quickly registered on the Web-based marketing communication network of the present invention, and a MMVK automatically generated for each registered product, in just minutes.

Each MMVK on the Web-based network of the claimed invention has a plurality of programmable display modes, and these display modes can be easily programmed by members of the brand management team (e.g. product information managers, advertising agencies, and promotional agencies) who typically have different responsibilities within a brand management enterprise.

MMVKs deployed on the Web-based network of the claimed invention can function as virtual product showcases that allow manufacturers to deliver consistent product merchandising and service to consumers at different touch-points along EC-enabled WWW-Site on the WWW.

MMVKs deployed on the Web-based network of the claimed invention can also function as turnkey e-commerce stores to support e-commerce transactions along EC-enabled WWW-Site on the WWW.

Using the Web-based network of the claimed invention, product management teams can exercise a high degree of control over their product brand information at EC-enabled WWW sites including EC-enabled stores and EC-enabled online product catalogs, regardless of where such consumer product information resources may actually reside at locations (specified by URLs) on the WWW (e.g. stored on and served from global content delivery networks or CDNs, and Web-enabled content management /publishing systems).

Many other benefits of the network and MMVK technology of the present invention will become apparent in view of the present Specification.

Applicant has carefully reviewed the prior art references, including US Patent Nos. 6,591,247 to Stern, 6,542,933 to Durst et al, 6,154,738 and 5,913,210 to Call, and 5,999,912 to Wodarz et al, and firmly believes, that when taken alone or in combination with each other, the prior art as a whole fails to disclose, teach or suggest the Web-based consumer product marketing communication network defined by rewritten Claim 130.

The Stern, Durst, Call and Wodarz references, singularly and in combination with each other, fail to disclose, teach or suggest the Web-based consumer product marketing communication network, according to Claim 130, which comprises, *inter alia*, the following combination of elements:

(1) a first Web-based subsystem, operably connected to the infrastructure of the Internet, configured to allow product management team members, associated with a particular consumer product or group of consumer products, and/or authorized parties, to create and deploy a plurality of Web-based Multi-Mode Virtual Kiosks (MMVKs) for a plurality of consumer products that are registered with the Web-based consumer product marketing communication network;

(2) wherein a first Internet-enabled information server operably connected to the infrastructure of the Internet, generates and serves each MMVK to a Web browser of a consumer, and each MMVK has a graphical user interface (GUI) characterized by a plurality of programmable display modes for displaying a plurality of consumer product information (CPI) resources to the Web browser of the consumer;

(3) a plurality of Web-based information servers, operably connected to the infrastructure of the Internet, for storing and serving the plurality of CPI resources to the Web browsers of consumers, for display through the plurality of programmable display modes of each MMVK;

(4) a UPN/URL database server, in communication with the first Internet-enabled information server, for storing and managing a UPN/URL link structure for each consumer product registered with the Web-based consumer product marketing communication network,

(5) wherein each UPN/URL link structure includes

(i) a Unique Product Number (UPN) assigned to the consumer product, and

(ii) a set of URLs specifying the location of said plurality of said CPI resources located on the WWW, for programming the plurality of programmable display modes of the MMVK created and deployed for the consumer product identified by the UPN; and

(5) a second Web-based subsystem configured to allow product management team members to manage the CPI link structures for said plurality of consumer products, and independently program a set of the CPI resources to be displayable during the display modes of each installed MMVK.

In US Patent Nos. 5,913,210 and 6,154,738 to Call, there is no disclosure, teaching or suggestion of providing a Web-based consumer product marketing communication network, as claimed by Applicant, supporting server-side driven MMVKs having programmable display modes for displaying CPI resources to the Web browser of the consumer, at EC-enabled WWW-Sites, under the management and control of consumer product marketing team members, as recited in Claim 130.

Furthermore, in US Patent Nos. 5,913,210 and 6,154,738, Call's hyperlink/URL encoding technique teaches away from Applicant's novel Web-based MMVKs (i.e. Web-based marketing communication instruments) which are implemented, as recited in Claim 130, employing:

(a) a computer-executable server-side component stored on the first Internet-enabled information server, and

(b) a MMVK tag embedded within any of the HTML-encoded pages located in the EC-enabled Web sites, embodying a unique URL, and referencing the computer-executable server-side component, and

wherein the computer-executable server-side component includes code specifying (i) a connection to the UPN/URL database server, and (ii) a CPI query to be executed on the UPN/URL database server, and dependent on the UPN assigned to the consumer product.

In contrast, US Patent Nos. 5,913,210 and 6,154,738 to Call disclose a Web-based system and method for delivering consumer product information to consumers at retail Web-sites by installing at least one hyperlink (i.e. tag) in a web page, wherein the tag must include a reference to separately stored information, and the reference must include a particular universal product code value that uniquely designates a selected product. When the consumer's request message is sent to the cross-referencing source (i.e. UPC/URL database), the request message must contain at least a portion of the universal product code value for accessing (from the UPC/URL database), Internet addresses (URLs) pointing to product information on the Internet, and then directing those URLs to the computer sending the request message. In short, Call's hyperlink/URL encoding technique requires retailers (or rather their webmasters) to embed manufacturer-assigned "universal product code values" into the fabric of the retailer's websites while many retailers prefer to use their own retailer-assigned SKU's (not manufacturer-managed UPCs or UPC/EANs) to manage products on the retailer's EC-enabled sites.

US Patent No. 6,591,247 to Stern discloses an IP based digital content distribution network where batteries of digital content (e.g. product information and advertisements) are combined together in a single distribution file (e.g. .big format) at a centralized database server (i.e. NMC database 252c, Database files 352 and Builder 350) and then delivered to remote sites (e.g. physical retail kiosks, "wall of eyes" television sets etc) in physical retail stores, in either an interactive or non-interactive manner, on a per product basis. As disclosed, the interactive delivery method may be initiated by the consumer scanning a UPC code on a product of interest, in a brick and mortar store. However, the '247 Stern network is limited and constrained to use in physical retail stores, and does not enable the creation, deployment and installation of Web-based MMVKs, on the HTML-encoded pages of EC-enabled Web-sites, as claimed.

In marked contrast, Applicant's Web-based network defined by claim 130 does not combine digital content into a single distribution file as does Stern, but rather allows product management team members to program display modes of each deployed MMVK using URL links (managed by the CPI link structure) which are used by the consumer's Web browser to pull brand-building information resource content from Web-based information servers located wherever they may be located on the WWW. In short, Applicant's Web-based network as claimed, and Stern's network as disclosed, operate on radically different principles of operation.

In US Patent 6,542,933, Durst is focused on providing an Internet-based system for delivering consumer product information to a user's Web browser in response to providing the consumer product's UPC number to a UPC/URL database server (constructed in accordance with US Patent No. 5,978,773 to Hudetz et al). However, Durst does not provide any motivation for Applicant's Web-based network and its server-side component driven MMVKs, as defined in Claim 130, providing product management team members with the capacity to program the display modes of the GUI of each Web-based MMVK, and manage the CPI resources of each MMVK, on a product by product basis, by allowing the product management team members to manage a CPI link structure created for each registered consumer product, for which a product-specific (i.e. UPN-indexed) MMVK has been generated, loaded onto a first Internet-based information server, and linked to its CPI link structure, via the UPN.

While US Patent Nos. 6,154,738 and 5,913,210, Call is also focused on providing an Internet-based system for delivering consumer product information to consumers at EC-commerce enabled Websites. Like Durst, Call also does not provide any motivation for Applicant's Web-based network and its server-side component driven MMVKs, as defined in Claim 130, providing product management team members with the capacity to program the display modes of the GUI of each Web-based MMVK, and manage the CPI resources of each MMVK, on a product by product basis, by allowing the product management team members to manage a CPI link structure created for each registered consumer product, for which a product-specific (i.e. UPN-indexed) MMVK has been generated, loaded onto a first Internet-based information server, and linked to its CPI link structure, via the UPN.

US Patent No. 5,999,912, Wodarz et al. are focused on providing an Internet-based advertising, scheduling and tracking system, employing (i) a computer executable server side component stored on an information server, and (ii) a HTML ad tag that is embeddable in an HTML-encoded page and references the server side component, so as to allow different ads to be swamped in and out, at different times (i.e. dynamically) according to changing consumer profiles, marketing conditions and the like.

However, like Stern, Durst, and Call, Wodarz also does not provide any motivation for Applicant's Web-based network and its server-side component driven MMVKs, as defined in Claim 130, providing product management team members with the capacity to program the display modes of the GUI of each Web-based MMVK, and manage the CPI resources of each MMVK, on a product by product basis, by allowing the product management team members to manage a CPI link structure created for each registered consumer product, for which a product-specific (i.e. UPN-indexed) MMVK has been generated, loaded onto a first Internet-based information server, and linked to its CPI link structure, via the UPN.

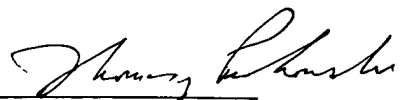
Thus, even when combining the disclosures of Stern, Durst, Call, Wodarz et al, and other prior art references made of record, Applicant firmly believes that the Web-based consumer product marketing communication network of the claimed invention is clearly not provided, or suggested by any prior reference, but something entirely different, not resembling Applicant's Web-based server-side driven MMVK-powered consumer product marketing communication network.

In view therefore, of the Amendment and Remarks set forth above, Applicant firmly believes that the present invention defined by new Claims 130-145 is firmly believed to be neither anticipated by, nor rendered obvious in view of the prior art of record, and that the present application is now in condition for allowance.

The Commissioner is hereby authorized to charge any fee deficiencies to Deposit Account 16-1340.

Respectfully submitted,

Dated: February 19, 2009

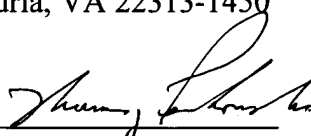


Thomas J Perkowski, Esq.
Attorney for Applicant
Reg. No. 33,134
Thomas J. Perkowski, Esq., P.C.
Soundview Plaza
1266 East Main Street
Stamford, Connecticut 06902
203-357-1950
<http://www.tjpatlaw.com>

CERTIFICATE OF MAILING UNDER
37 C.F.R. 1.8

I hereby certify that this correspondence
is being deposited with the United States
Postal Service on February 19, 2009, in a Postage
Prepaid envelope as, First Class Mail,
addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Thomas J Perkowski, Esq.
Date: February 19, 2009